

Hygiene Box 1

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[Revised Reprint, Boston, 1865.]

SANITARY CODE FOR CITIES;

BY HENRY G. CLARK, M.D.

REVISED AND ADOPTED

BY THE

NATIONAL

Quarantine and Sanitary Convention.

Press of GEO. C. RAND AND AVERY, 3 Cornhill, Boston.

P R E F A C E.

At a meeting of the Quarantine and Sanitary Convention, held at Baltimore, April, 1858, the following resolution was passed : —

“ *Resolved*, That the Sanitary Committee, or Committees on Internal Hygiene, be instructed to prepare some detailed and specific plan for regulating the internal sanitary condition or hygiene of cities, which shall embrace all the subjects which may properly come within the province of preventive medicine, and to report the same to the next meeting of this Convention.”

The duty of preparing “ A Code of State and Municipal Sanitary Law ” having been assigned to me by the Committee, the following CODE was reported to the Convention, at its meeting in New York in April, 1859 ; and was then, after full discussion and sundry amendments, unanimously ADOPTED.

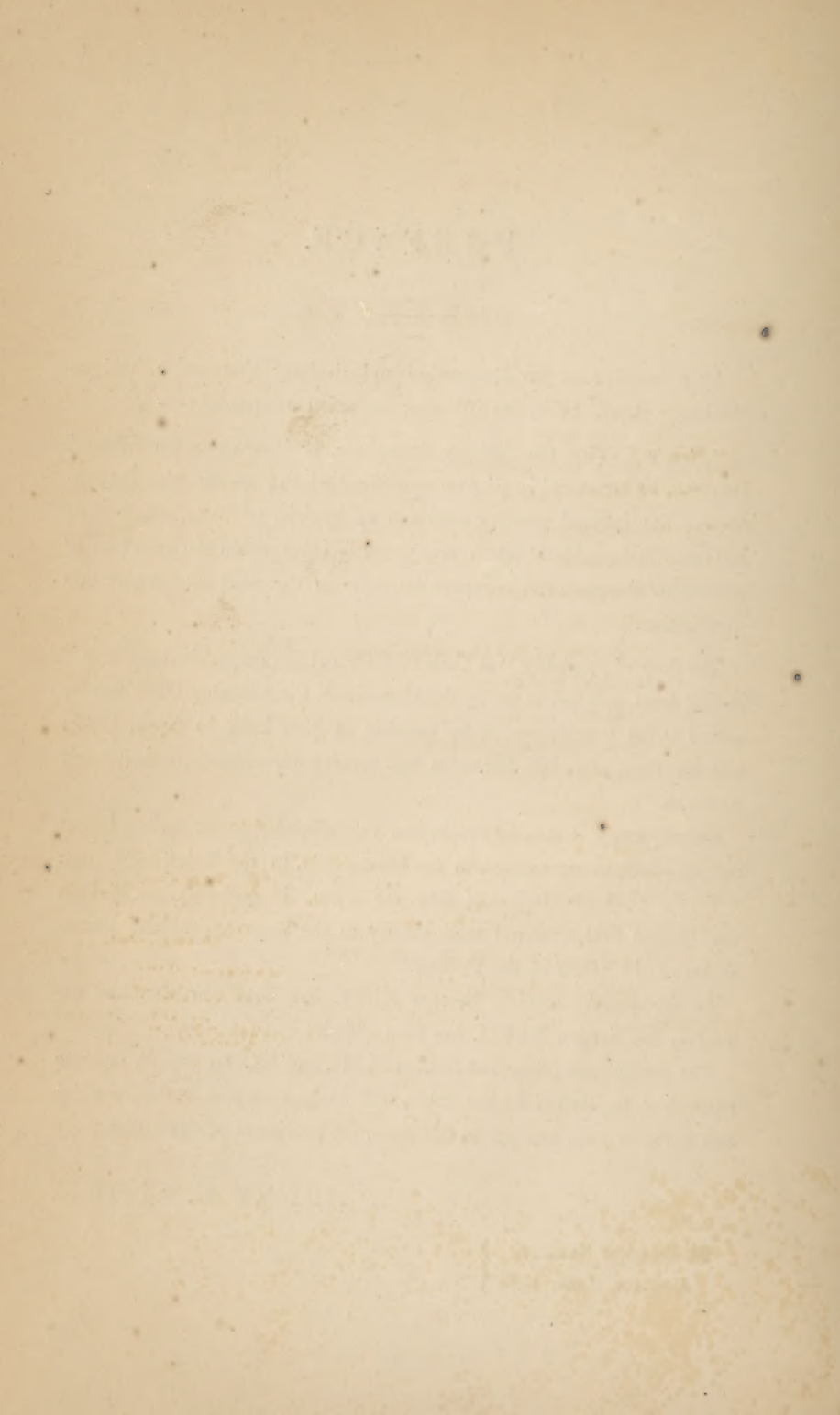
Subsequently it was, by resolution, recommended to the various bodies and corporations represented in the Convention, in the following terms :
“ * * * * * believing that the same, if generally adopted in the United States, would tend greatly to the improvement and preservation of the health of the PEOPLE.”

In the present reprint, Section XLVI. has been rewritten and extended, and Section XLVII. has been added.

The preliminary passage of Sections VIII. and IX., on page 8, or some equivalent legislation by the State, will be necessary to authorize cities and towns to pass, and put in full force, the provisions of the ordinance.

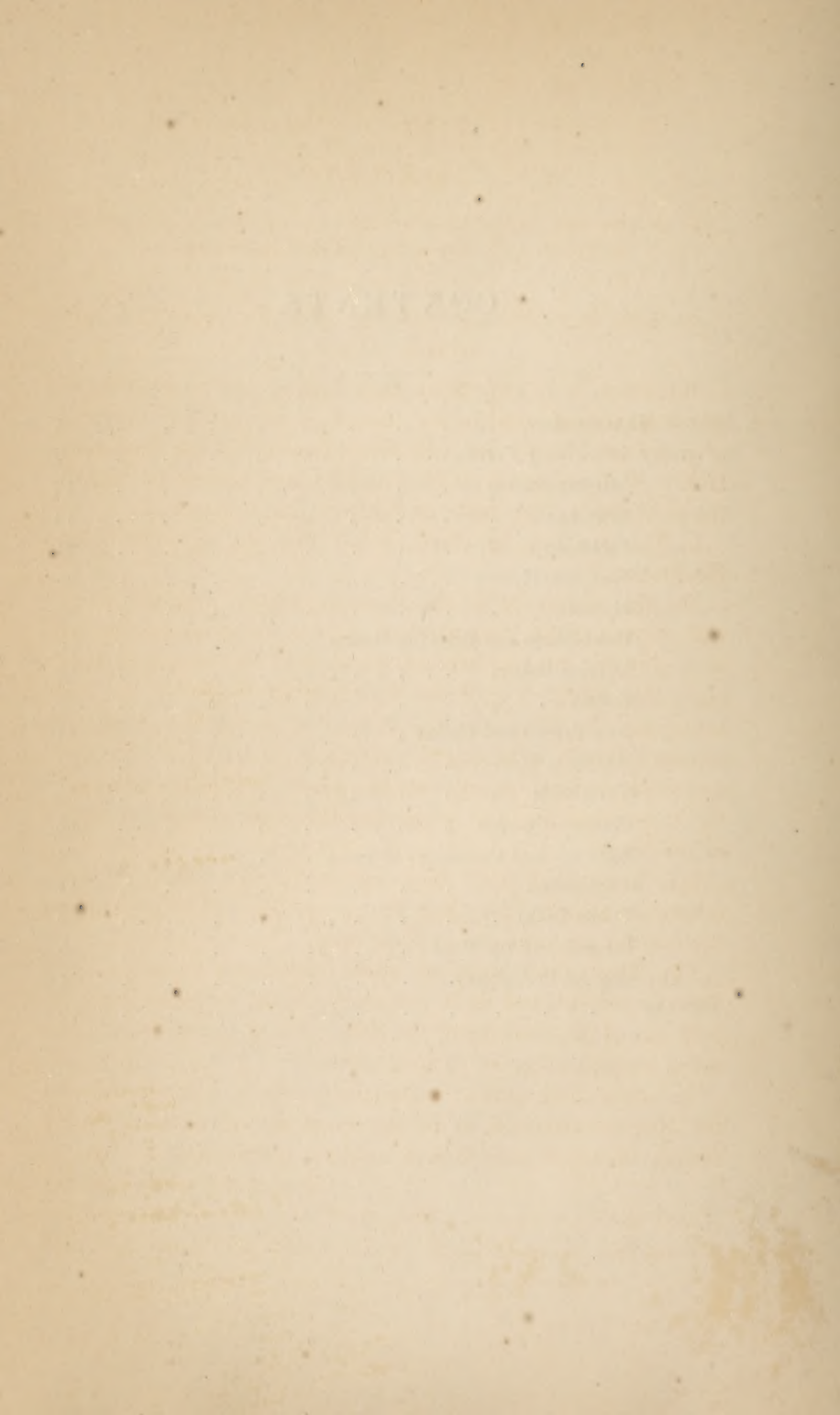
HENRY G. CLARK.

24 BEACON STREET, }
BOSTON, June, 1865. }



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DRAFT

OF AN ACT FOR ESTABLISHING GENERAL AND LOCAL BOARDS OF HEALTH, AND FOR OTHER SANITARY PURPOSES.

AN ACT, *in addition to existing Acts, for promoting the Public Health.*

WHEREAS it is expedient that further and more effectual provision should be made for improving the sanitary condition of populous places : Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows ; that is to say, —

I. This act may be cited for all purposes as “ The Public Health Act.”

II. The Governor of the Commonwealth, with the advice and consent of the Council, shall appoint five discreet and suitable persons, three at least of whom shall be Doctors of Medicine, who, together with the Secretary of State for the time being, and the Governor, *ex officiis*, shall together be and constitute a Board, to be called “ The General Board of Health ;” and shall have and execute all the powers and duties necessary for superintending and promoting the general sanitary affairs of the State.

III. They shall hold their offices for five years, or until others are appointed in their place ; and they shall be sworn to the faithful performance of their duty.

IV. They shall meet at such convenient times as they deem expedient, and their necessary official expenses shall be paid out of the treasury of the State ; but they shall receive no other compensation for their services.

V. They shall appoint a competent person, who may also be the Register-General, to be the Secretary or Actuary of the Board, who shall receive such a salary, not exceeding

dollars per annum, as the Board shall determine. They shall also appoint, if need be, a competent physician, who shall be styled a “ Medical Health

Officer," and another competent person, for Surveyor, who shall be removable at their pleasure, and who shall receive such fees or other compensation as the Board may, from time to time, determine.

They may also appoint and employ such other persons as may be necessary to carry into effect the sanitary laws of the State, and delegate to them the necessary powers, subject to the approval of the Local Boards of Health hereinafter provided for.

VI. They shall consider and decide upon sanitary questions submitted to them by the State, cities, towns, or Local Boards of Health.

VII. They shall, by reports or otherwise, diffuse information to the inhabitants of the State on sanitary matters; and shall aid, by regulations, suggestions, and by furnishing blanks, &c., the various Local Boards of Health.

VIII. The corporate authorities of the various cities and towns of this Commonwealth are hereby authorized and empowered to establish Local Boards of Health, and to enact and enforce, generally and severally, such laws, ordinances, and regulations as they may deem expedient or necessary for promoting the sanitary condition of the said cities and towns, and as are not inconsistent with the Constitution and laws of the State.

IX. And the said authorities are also authorized to delegate to the said Local Boards of Health, or other agents, all the powers necessary for the convenient execution of said laws, ordinances, and regulations.

X. All acts and parts of acts incompatible with this act are hereby repealed.

DRAFT OF AN ORDINANCE

FOR

PROMOTING THE HEALTH OF TOWNS.

SANITARY CODE FOR CITIES.

Whereas, by sundry Acts of the Legislature, this Preamble.
corporation has been duly authorized and em-
powered to make all needful rules and regula-
tions for the preservation of the health of its
inhabitants: Be it therefore ordained by the
Councils of the Town of——, and by authori-
ty thereof, as follows, to wit:

I. This Ordinance shall be cited for all pur- Title of
poses as “The Sanitary Code for the Town Ordinance.
of ——.”

II. The duty of executing and enforcing the Local Board
provisions of this “Code” is hereby vested in a of Health,
Board of Health, at least one-third of the mem- how consti-
bers of which shall be doctors of medicine, to be tuted.
chosen by the Councils, or in such other way as
the legal voters may determine; and they are
hereby constituted the Local Board of Health,
with all the powers and privileges usually in-
vested in Boards of Health, and with such fur-

How empowered.

ther especial powers as may be conferred by the provisions of this Ordinance.

Right to enter premises for the purposes of this Ordinance.

III. And said Local Board, or its authorized agents, shall have the right at all times to enter into or upon any premises for the purposes of this Ordinance, and also to call upon any of the officers or of the Police to aid them in the execution of its provisions.

Terms used in this ordinance.

IV. In the construction and for the purposes of this Ordinance, the following words and expressions shall have the meanings hereinafter assigned to them; that is to say,—

“Person.”

The term “person,” and words applying to any individual, shall apply to and include corporations, aggregate or sole.

“Owner.”

The term “owner” shall mean the person for the time being entitled to the rent of the land or premises in connection with which the term is used, whether on his own account, or as trustee or agent for any other person.

“Improvement Commissioners.”

The expression, “Improvement Commissioners,” shall mean the commissioners, trustees, or other persons intrusted by any local act with powers of cleansing, paving, or otherwise improving any town.

“Town.”

The term “town” shall also include “cities,” or any other municipal corporation.

“Land.”

The term “land” shall include messuages, buildings, lands, and hereditaments of every tenure; also rivers, streams, wells, and waters of

every description; also easements of any description in respect of the foregoing particulars.

The term "waste-pipe" shall mean the pipe which discharges the waste-water from within any house into the drain.

The term "drain" shall mean any drain of, and "Drain." used for the drainage of, one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cess-pool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises, occupied by different persons, is conveyed.

The term "sewer" shall mean and include "Sewer." sewers and drains of every description, except drains to which the word "drain," interpreted as aforesaid, applies.

The term "slaughter-house" shall mean and "Slaughter-house." include the buildings and places commonly called slaughter-houses and knackers'-yards, and any building or place used for slaughtering cattle, horses, or animals of any description.

The term "district" shall mean the entire area, "District." places, or parts of places, comprised within the limits of any district to which this "Code," or any part thereof, shall be applied.

The term "street" shall include a square, cir- "Street." cus, crescent, terrace, place, row, mews, alley, court, passage, or other like place in which the

houses are continuous, or separated only by small intervals of space.

“House.” The word “house” shall include schools, factories, and other buildings, in which more than twenty persons are assembled at one time.

Sanitary Survey.

Board to inspect and make periodical surveys.

V. There shall be made annually a thorough sanitary survey of the town or district, as the case may be; and at any other time, when it shall appear from the returns to the Registrar that the number of deaths shall exceed, annually, that of twenty-five to a thousand of the population of such place.

And the Board of Health may, if in their discretion they think fit, direct the Medical Health Officer to cause public inquiry to be made as to the following matters and things, or any of them; that is to say,—

Things to be noticed.

As to the sewerage, drainage, and water-supply.

As to the number and sanitary condition of the inhabitants.

As to the accumulation of filth.

As to any other matter of which the Board may require to be informed.

Mode of organizing and making such survey.

VI. The said survey shall be made in the manner following, to wit:—

The Medical Health Officer shall have the right to call upon the Chief of Police, who shall

detail for this service a sufficient number of the regular patrol force, who shall act as inspecting health officers. But during an epidemic season, or when any medical facts are to be obtained, the inspectors shall be doctors or students of medicine.

Upon receiving his instructions, each officer will commence and diligently prosecute his inquiries; carefully noticing the state of the streets, lanes, courts, passages, common stairs, houses, rooms, cellars, yards, or vacant lots in his assigned district; reporting in detail, and in writing, all accumulations of filth; all cases where the waste-pipes, drains, or water-closets are foul or obstructed; all cases of prevailing sickness, especially where there is great overcrowding or unusual destitution; also all cases of dead bodies found in single living rooms.

The reports may be made in the manner of the blank forms hereto annexed. (See Appendix A.)

VII. When any nuisance or other source of disease is discovered, notice, in the proper form (see Appendix B), is to be served upon the owners or occupants, forthwith to abate the same, and, in case of refusal or neglect for a period of hours, the Medical Health Officer is authorized and directed to cause the same to be abated or removed in the most summary manner; and he is hereby authorized to call upon

Nuisances,
how abated.

the Chief of Police, the Engineer, the Registrar, and the Superintendents of Health, of Streets, and of Drains, to aid him in such removal.

The expense of such removals or abatements of nuisances (of which an accurate account is to be kept) shall be chargeable to the owners or occupants of the premises. •

These measures shall be so continuously pursued as to prevent, as far as possible, any re-accumulation of the causes of disease sought to be removed; and each officer shall be held strictly responsible for the sanitary condition of his assigned district.

All persons, acting under and by the authority of this order, may be authorized to enter upon and into any premises which it may be necessary to visit, in compliance with its provisions; but their object in so doing must be first stated to the occupants, and all unnecessary annoyance to them most carefully avoided.

Sewerage.

Board to
provide a
map of the
sewerage.

VIII. The said Board of Health may, if they shall think fit, cause to be prepared, or procure a map, exhibiting a system of sewerage for effectually draining their district for the purpose of this Ordinance, upon a scale to be prescribed by the General Board of Health; and every such map shall be kept at the Office of the said Board, and shall, at all reasonable times, be open

to the inspection of the tax-payers of the district to which it applies.

IX. All sewers, drains, or waste-pipes, whether at present existing, or which shall be hereafter constructed, shall be entirely under the management and control of the Board of Health.

Sewers to be under control of Board of Health.

X. The Board of Health shall cause their district to be effectually drained upon the plan recommended by the General Board of Health of Great Britain; and they shall have power within such district from time to time to do any of the following things:—

- (1.) To repair, arch over, enlarge, lessen, or otherwise alter any existing sewer or drain.
- (2.) To construct any new sewer or drain, with a like power of repairing and altering the same.
- (3.) To discontinue, close up, or destroy any sewer or drain.
- (4.) To carry any sewer, drain, or pipe, for the distribution of sewage, through, across, or under any turnpike or other road, or county bridge, or any street, or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriage-way of any street or intended street, upon condition of making good all damage done by them; or if it is deemed necessary by

Powers of Board as to sewerage in the district.

the Surveyor of the Board, into, under, or through any lands whatever, upon making due compensation for the same :

Subject, nevertheless, to the restrictions hereinafter mentioned ; that is to say,—

- (1.) All waste-pipes, sewers, and drains shall be so constructed and kept as not to create a nuisance, or be injurious to health.
- (2.) If, by the exercise of any of the above powers, any person is deprived of the lawful use of any sewer or drain, the Board shall provide for his use some other sewer or drain equally convenient.

XI. The Board of Health are hereby empowered, upon making due compensation, to do the following things ; that is to say,—

Powers of
Board to
make con-
tracts for
sewerage.

- (1.) To construct, either above or under ground, such reservoirs and other works as may be necessary for holding the sewage flowing from the sewers of their district, or to provide outfalls for the same.
- (2.) To cause the sewers to empty into such reservoirs or outfalls, by means of connecting sewers, or such other means as they think fit.
- (3.) To contract with any company or person for the sale of such sewage, or for the distribution of it over any land ; and any such company for these purposes shall have the same privileges, and be subject

to the same conditions, as would the local Board.

- (4.) To contract for, purchase, or take on lease, any buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing any such sewage, and to lease or assign such buildings, engines, materials or apparatus to any company or person with whom the said Board of Health may contract as aforesaid.
- (5.) To purchase or take on lease any land where such purchase or leasing is necessary for carrying into execution the above objects.

XII. No person shall, without the consent of the Board of Health, do the following things, or any of them:—

- (1.) Cause any waste-pipe, sewer, or drain to communicate with or be emptied into any sewer of the Board of Health.
- (2.) Cause any vault, arch, or cellar to be newly built or constructed under any public street; and if any sewer, drain, vault, arch, or cellar is made in contravention of this Ordinance, the Board of Health may cause the same to be pulled down if they shall think fit; and the expenses incurred by them in so doing shall be repaid to them by the offender, and be re-

Unauthor-
ized drains
forbidden.

coverable from him in a summary manner.

Use of sew-
ers by per-
sons out of
the district.

XIII. Any owner or occupier of premises adjoining any district, may, with the consent of the Board of Health, cause any sewer or drain from such premises to communicate with any sewer of the Board, upon such conditions as they shall mutually agree.

Drains in
existing
houses.

XIV. Whenever it appears to the Board of Health that any house or other building, already built, is without any waste-pipe, drain, or water-closet, or that they do not empty into such place as is efficient for effectual drainage, the Board may, by notice, require the owner of such house or building, within a reasonable time therein specified, to make a sufficient drain, of a construction approved by the Board of Health, emptying as follows: that is to say, if the sea, or a sewer of the Board of Health, or any sewer which they are entitled to use, is within one hundred feet of the site of such house or dwelling, emptying, as the Board may direct, either into the sea or such sewer; but if no such means of drainage are within that distance, then emptying into such covered cess-pool, or other place, not being under any house, and not being within such distance from any house, as the Board of Health direct; and, if the person on whom such notice is served fail to comply with the same, the Board may themselves do the work required,

and assess the expenses to the owner or occupant aforesaid.

XV. The following rules shall be observed with regard to drains of houses not already built:—

- (1.) The drains of every such new house or Drains in new houses. building as aforesaid shall be covered in, and be of such size and materials, at such level, and with such fall, as may be effectual, in the opinion of the Surveyor or Engineer of the Board, to secure a proper drainage of such house or building and its appurtenances.
- (2.) If the sea, or a sewer of the Board of Health, or a sewer which they are entitled to use, is within one hundred feet of any part of the site of such new house or building, the drains so to be constructed shall communicate with such one of those means of drainage as the Board direct.
- (3.) If no such means of drainage are within that distance, then the last-mentioned drains shall communicate with, and be emptied into, such covered cess-pool or other place, not being under any house, and not being within such distance from any house, as the Board of Health direct.
- (4.) The Board shall have the power of enforcing and directing the construction of "dry privies," vaults, or cess-pools, when-

ever the nature of the ground, the building materials in use, the imperfect supply of water, or any other circumstances, shall render this necessary for the public health, especially for the preservation of the purity of streams, springs, or other sources of fresh water.

But, *a.* These privies or vaults shall be so constructed, that their contents can be periodically, conveniently, and safely removed for agricultural or other purposes. *b.* And they shall be effectually deodorized by some proper and sufficient drying or deodorizing agent, so that they will not be dangerous or offensive, either while undisturbed, or during the process of removal.

(5.) Any house or building, which, during the process of repairs, shall be pulled down to the ground-floor, shall be subject to the same regulations as if it were a new house or building.

Penalties
for unau-
thorized
drains, &c.

XVI. If any house or building is built or rebuilt, or any drain or vault constructed contrary to the foregoing provisions, the owner of such house or building shall be subject to the following liabilities; that is to say:—

- (1.) He shall incur such a penalty for each offence as the Board may determine; or,
- (2.) The Board of Health, after due notice, and

his failure to comply therewith, may, thereupon, proceed to do the work required, and assess the expenses upon said owner.

Cleansing.

XVII. The following works shall be done in respect to scavenging :—

- (1.) All public streets, together with the foot-pavements thereof, shall be properly cleansed and watered ; all roads shall be properly cleansed, and the whole or any part of such roads may, in the discretion of the Board of Health, be watered.
- (2.) All dust, ashes, and rubbish shall be carried away from the premises of the inhabitants.
- (3.) All privies and cess-pools shall be, from time to time, emptied and cleansed ; but their contents shall first be deodorized. And the Board of Health may themselves undertake, or contract with any person to undertake, the aforesaid works, or any of them.

XVIII. No person, except by direct authority of the Board, shall undertake to remove any of the substances mentioned in the preceding section, or obstruct the Board or its agents in so doing.

No person
to remove
without
permit.

XIX. In cases where the Board of Health do

Authorized
to make by-

laws and
affix penal-
ties.

not themselves undertake, or contract with any person to undertake, the works heretofore named, they may make by-laws imposing on the occupier of any premises any or all of the duties of cleansing. They may affix reasonable penalties for the breach of said by-laws.

Board au-
thorized to
compel
owners and
occupants
to put their
premises in-
to a healthy
condition.

XX. Whenever the Board of Health shall be satisfied that the number of persons occupying any tenement or building is so great as to be the cause of nuisance or sickness, or a source of filth; or that any tenements or buildings are not furnished with vaults constructed according to the provisions of this Ordinance; or with a sufficient number of privies or water-closets with underground drains, with proper ash-pits, or with a proper water-supply; or that, from any cause, they are in a condition which is prejudicial or dangerous to the public health, or to the health of the occupants themselves,—they may thereupon issue notice in writing to such persons, or any of them,—that is to say, the owner, agent, or occupant, or either of them,—to cause either or all of these deficiencies to be supplied, and the premises put into a cleanly and proper condition, within such reasonable time as they shall appoint; and, in case of neglect or refusal to obey such notice, they may themselves cause the alterations and cleansings to be done forthwith, and the expense of it shall be paid by such owner, agent, occupant, or other person. Or

they may, if they think fit, issue notice to the persons inhabiting such tenement, or to the owner or agent, requiring them to remove from and quit the premises, within such time as the Board may deem reasonable; and if the person or persons so notified, or any of them, shall neglect or refuse to remove from said tenement or building, the Board of Health are hereby fully authorized and empowered thereupon forcibly to remove the same.

And to vacate by force or cleanse the premises at their option.

XXI. The Board of Health may make and issue by-laws for the prevention of nuisances arising from filth, dust, ashes, and rubbish, or from the keeping of animals, and may annex reasonable penalties for the breach of said by-laws.

Board may make by-laws against nuisances.

XXII. The business of a blood-boiler, bone-boiler, bone-burner, fell-monger, slaughterer of animals of any description not fit for human food, soap-boiler, tallow-melter, tripe-boiler, or other noxious or offensive business, trade, or manufacture, shall not, without the consent of the Board, be established within the district; and the Board may make such regulations in regard to these occupations as they may deem expedient.

Offensive trades not to be carried on without permission of the Board.

XXIII. When the contents of any sewer, or any accumulations of filth, are discharged into any river or stream, in the bed of which the quantity of water is so much diminished, either

Stagnant water, &c.

by drought during the summer, or by any other cause, as to be insufficient to keep the channel clear, the Board of Health may, by excavations or other operations, so deepen the channel as that the flow of water will be accelerated, and the contents of said sewers or drains be thereby prevented from accumulating and stagnating in parts thereof to the injury of the health, and the annoyance of the surrounding population.

No filth to be thrown into streets, squares, lots, or into ponds or docks.

XXIV. No person, without the license of the Board of Health, shall throw into, or leave in or upon any street, square, or vacant lot, or into any pond or body of water, within the limits of this town or district, any dead animal, dirt, sawdust, soot, ashes, cinders, shavings, hair, manure, oyster, clam or lobster shells, waste water, rubbish, or filth of any kind, or any refuse, animal or vegetable, whatsoever. Nor shall any person throw into or leave in or upon any dock, flats, or tide-water within the jurisdiction of this district, any dead animal or other foul or offensive matter, except as above provided.

Livery stables to be kept clean.

XXV. The owners and occupants of livery and other stables within the limits of the town or district, as the case may be, shall not wash or clean their carriages or horses, or cause them to be washed or cleaned, in the streets, nor otherwise encumber the same: they shall keep their stables and yards clean, and shall not permit more than four cart-loads of manure to accumulate in or

near the same at any one time between the first day of May and the first day of November; nor within that period suffer the same to be removed, except between the hour of twelve at night and two hours after sunrise.

XXVI. Swine shall not be kept within the limits of the town without a permit from the Board of Health.

Swine not to be kept.

Slaughter-Houses.

XXVII. No place shall be used or occupied as a slaughter-house except by permission of the Board of Health; and they may make by-laws with respect to their management, and for keeping the same in a wholesome state.

Slaughter-houses.

The Markets.

XXVIII. The Medical Health Officer, or either of the Inspectors or Agents of the Board of Health, may, at all reasonable times, enter into and inspect any shop, building, stall, or place kept or used for the sale of butchers' meat, poultry, or fish, or as a slaughter-house; and to examine any animal, carcass, meat, poultry, game, flesh, or fish which may be therein; and in case either of them, being intended for the food of man, shall appear to be unfit for such food, the same may be seized, and, if it prove to be unwholesome, he shall order the same to be destroyed, or be so disposed of as to prevent its being again exposed for sale.

Inspectors may enter markets and examine provisions; and, in certain cases, seize and destroy.

Fresh fish,
how sold
and kept.

XXIX. No person shall be permitted to bring into town for sale, or sell, or offer for sale, any fresh fish, until the same shall have been cleansed of their entrails and refuse parts; and such entrails and parts shall be thrown overboard below low-water mark; and shall never be kept beyond the flowing of the next tide; and, until so thrown overboard, they shall be kept in a close and safe manner on board the vessels or boats on which the fish are brought. And no person shall sell, or offer for sale, fish of any kind, unless the same be kept in covered stalls, fish-boxes, or other houses, which shall always be clean and in good order, or in clean covered carts, or boxes, well secured from the rays of the sun.

Entrails,
&c., to be
removed
out of the
town limits.

Vegetables,
&c., how
sold.

XXX. No person shall have in his possession for sale, or shall sell, or offer for sale within the limits of the town, any vegetables whatever, excepting green peas in the pod, and green corn in the inner husks, which have not previously been divested of such parts or appendages as are not commonly used for food.

Damaged
and decayed
vegetables,
&c.

XXXI. No person shall land on any wharf or other place, or shall bring into town, any decayed or damaged grains, vegetables, or fruit, without a permit from an officer of the Board of Health, and in such manner as he may direct.

Sale of
adulterated
food or

XXXII. No person shall sell any adulterated or unwholesome food or drink; and if, upon

being notified by the Board to discontinue such drink prohibited. practice, he shall neglect or refuse to obey such order, he may be ejected from the precincts of the market; and such articles of food or drink may be seized and destroyed.

XXXIII. If any person shall falsify any milk, Adulteration of milk. by adulteration with water or otherwise, or by the abstraction of its cream, or any other substance originally belonging to it; or if any person having reason to believe it so falsified shall sell the same, or cause it to be sold, he shall be liable to have it seized and destroyed, and to fine and imprisonment, and to have placards, stating his offence and the sentence imposed, posted up at his place of business or elsewhere, as the Board may determine. This shall also apply to milk from diseased cows. Swill-milk.

XXXIV. All bread, except as specially provided to the contrary in this section, shall be sold by weight. Bread sold by weight.

A loaf of bread shall be two pounds in weight; and bread may be baked and sold in whole, half, three-quarter, and quarter loaves, but not otherwise, except in bread composed in chief part of rye or maize.

Small rolls and fancy bread, weighing less than one-quarter of a pound each, may be baked and sold without regard to weight.

In every shop or place where bread is sold by retail, and in each front window thereof, there

shall be conspicuously placed a card, on which shall be legibly printed a list of the different kinds and qualities of loaves sold there, with the price of each per loaf, and half, three-quarter, and quarter loaf.

All bread, except small rolls, and fancy bread of less than a quarter of a pound each, sold in any shop or place, shall be weighed in the presence of the buyer, and, if found deficient in weight, bread shall be added to make up the weight required by law.

Any person who shall violate any of the provisions of this act shall forfeit for each offence the sum of dollars, and he shall also be liable to the penalties provided in Sect. XXXIII.

Regulation
of market-
houses.

XXXV. And the Board of Health is also hereby authorized to make, promulgate, and enforce such by-laws for the government of the market-houses and the sale of provisions as they may think expedient.

Dram-Shops and Drinking-Houses.

Dram-
shops and
drinking-
houses,
how abated.

XXXVI. All unlicensed dram-shops and drinking-houses for the sale of intoxicating drinks are hereby declared to be nuisances, and may be abated as such by the Board of Health.

Common Lodging-Houses.

Lodging-
houses to
be regis-

XXXVII. No person shall keep a common lodging-house without a license from the Board

of Health, after inspection by the Medical Health Officer of the Board. And a register shall be kept, in which shall be entered the name of every person applying to register any common lodging-house kept by him, and the situation of every such house; and the said Board shall, from time to time, make by-laws for fixing the number of lodgers who may be received into each house so registered, for promoting cleanliness and ventilation therein, and with respect to the inspection thereof, and the conditions and restrictions under which such inspection may be made; and the person keeping any such lodging-house shall give access to the same, when required by any person who shall produce the written authority of the Board, for the purpose of inspecting the same, or for introducing or using therein any disinfecting process; and the expenses incurred by the said Board in such process shall be assessed and collected from the keeper of said house; and, if any such keeper of such lodging-house shall neglect or refuse to obey the directions of the Board of Health, he shall forfeit his license.

tered and
licensed.

Access to
by health
officer at all
times.

Cellars.

XXXVIII. No cellar or underground room shall be let or occupied separately as a dwelling, without being registered and licensed by the

Cellars, under what conditions they may be inhabited and let.

Board, and unless it possess the following requisites, that is to say:—

(1.) Unless the same is in every part thereof at least seven feet in height, measured from floor to ceiling thereof; nor,

(2.) Unless the same is at least one foot of its height above the surface of the street or ground adjoining or nearest to the same; nor,

Open area
required.

(3.) Unless there is outside of and adjoining such cellar or room, and extending along the entire frontage thereof, and upwards, from six inches below the level of the floor thereof, up to the surface of the said street or ground, an open area of at least three feet wide in every part; nor,

Also drains.

(4.) Unless the same is well and effectually drained, and secured against the rise of effluvia from any sewer or drain; nor,

* Water-
closet and
ash-pit.

(5.) Unless there is appurtenant to such cellar or room the use of a water-closet or privy, as the Board may require; and of an ash-pit, furnished with proper doors and coverings; nor,

Fire place,
or ventilat-
ing flue.

(6.) Unless the same has a fireplace with a proper chimney, or other ventilating flue; nor,

(7.) Unless the same has an external window of at least nine superficial feet in area, clear of the sash-frame, and made to open in

such manner as is approved by the Surveyor of the Board.

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, any cellar or underground room, contrary to this section, shall be liable to forfeit his license, and shall be subject, if he persist, to such other penalty as the Board may determine; and every cellar or underground room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Ordinance; but the above rule shall be qualified in respect to areas as follows:—

- (1.) In any area adjoining a cellar or underground room, there may be placed steps necessary for access to such cellar or room, if the same are so placed as not to be over or across the said external window. License forfeited if, &c.
- (2.) Over or across any such area, there may be steps necessary for access to any building above the cellar or room to which such area adjoins, if the same be so placed as not to be over or across any such external window. Steps to cellar, how to be made.
- (3.) Over or across any such area, there may be steps necessary for access to any building above the cellar or room to which such area adjoins, if the same be so placed as not to be over or across any such external window. Steps to upper apartments.

New Streets and Houses.

XXXIX. The Board, with the consent of the town councils, and with the advice and aid of New streets, how laid out and constructed.

the Engineer or Surveyor, shall fix and determine the following matters ; that is to say : —

- | | |
|------------------------------|--|
| Sewerage. | (1.) With respect to the level and width of new streets, and the provisions for the sewerage and paving thereof. |
| Security against fire. | (2.) With respect to the structure of walls of new buildings, in reference to stability, and the prevention of fires. |
| Ventilation | (3.) With respect to the sufficiency of the space, in connection with buildings, to secure a free circulation of air, and the ventilation of buildings. |
| Drainage, water-closets, &c. | (4.) With reference to the drainage of buildings, to water-closets, privies, and cess-pools, in connection with buildings, and to the closing and prohibition of buildings or parts of buildings unfit for human habitation. |

The regulations of this section, and of Sections XX., XXXVII., and XXXVIII., shall be considered also as particularly applicable, and may be enforced, in regard to *model houses*, and houses already built or occupied.

They may annex such penalties, and further provide for the observance of these regulations by such by-laws, as they think necessary, and may alter or pull down any work begun or done in contravention of such by-laws: *Provided*, however, that no person shall be deprived by

any by-law of such right of appeal as is herein- Right of ap-
peal in all
cases.
after given in respect of by-laws.

Supply of Water.

XL. The following provisions shall be ob- Supply of
water.
served with respect to the supply of water:—

- (1.) All public wells, pumps, conduits, or other To be un-
der control
of commis-
sioners.
works used for the gratuitous supply of
water to the inhabitants, shall vest in,
and be under the control of, a Board of
Improvement Commissioners, or such
persons as may be chosen for that pur-
pose by the town councils, with the ap-
probation of the Board of Health, who
shall have the right to direct the use of
the water for any sanitary purpose.
- (2.) A sufficient quantity shall be supplied for Shall be
supplied for
domestic
use.
domestic purposes; the takers paying
such fixed rates therefor as may be de-
termined; and,
- (3.) May be supplied to any public baths or For baths
and wash-
rooms.
wash-houses, or for manufacturing pur-
poses, on such terms and conditions as
may be mutually agreed upon.
- (4.) A sufficient quantity shall be provided for For drains,
sewers,
fires, clean-
ing, &c.
flushing sewers and drains, for putting out
fires, for cleaning and watering the streets,
and for other public purposes.
- (5.) The expense of providing a supply of water Cost, how
paid.
for the foregoing purposes, over what shall

be paid by the takers, shall be assessed on the inhabitants, or paid in such other way as the councils shall determine.

Penalties
for waste,
fouling, or
injuring
the works.

XII. Any person who wilfully wastes or fouls the water, or injures any of the works for its supply, shall be liable to such penalties as the Board or the Commissioners shall determine, and shall be also liable to a suit for damage at common law.

All houses
to have a
supply of
water.

XIII. When it shall appear that any house or tenement let to other persons than the owners thereof is not in any way supplied with water, the owners of such house or tenement shall be notified by the Board of Health to supply the same; and in case of refusal, or neglect to do so within a reasonable time, the Board may supply the same at the expense of the owner, or, at its option, vacate the premises.

Ventilation.

All houses
and apart-
ments
inhabited
by more
than ten
persons to
be venti-
lated.

XIV. No cellar, lodging-house, or other "house" intended for the constant occupation of not less than ten persons, or for the occasional assemblage of large numbers of persons, shall be used or occupied, except under the following conditions; that is to say,—

(1.) Unless the same shall be provided with some effectual ventilation, as follows:—

a. By ventiducts for supplying fresh air of a suitable temperature, which shall

have a capacity of not less than one hundred square inches for every twenty-five persons, and in the same proportion for any greater or less number; or,

b. By some other mode capable of supplying pure air to each person at the rate of four cubic feet per minute.

c. By discharging ventiducts, which open directly into heated flues, or which are conducted into the outer air above the roof, and then terminated by a suitable cowl or cap, and which shall have a capacity of not less than two-thirds of that of the admitting ventiducts; or,

d. By an open fireplace; an Arnott's valve; and opening into some other ventilated apartment; or,

e. By some other effectual method of expelling the foul air.

(2.) Or unless the drains, vaults, and water-closets are securely trapped and effectually ventilated:—

Drains, vaults, water-closets, &c., to be trapped and ventilated.

a. By connecting them with the rain-water spouts; or,

b. If within the house, as in the case of water-closets, by a ventilating flue opening above the roof, or which is connected with a heated flue.

Pleasure-Grounds.

May lay
out walks
and pleasure
grounds.

XLIV. The Board of Health may, with the approval of the Town Council, hold, purchase by agreement, take on lease, maintain, lay out, plant, and improve land for the purpose of being laid out as public walks or pleasure-grounds, and support or contribute towards any premises provided for such purposes by any person whomsoever.

Epidemic and Contagious Diseases.

Epidemic,
endemic,
contagious
and malignant
diseases:
measures to
be taken
against.

XLV. When any epidemic, endemic, or contagious disease shall threaten the town, or affect any part of the same, in order that measures of precaution may be taken with promptitude, according to the exigency of the case, the Board of Health may issue such directions and regulations as they may think fit: and they shall provide for the frequent cleansing of streets and public ways, and for the cleaning, purifying, ventilating, and disinfecting of houses by the owners or agents; for the removal of nuisances; to provide for the sick by establishing and opening temporary hospitals, and for the speedy interment of the dead; and, generally, for preventing or mitigating such malignant diseases, in such manner as to the said Board seems expedient. And if any vessel having any contagious or other malignant disease on board, or having come

Infected
vessels to
be sent to
quarantine,
in case of
towns situated on or
near tide-
waters.

from ports where such diseases are prevailing, shall arrive at either of the wharves, or come to anchor near them, she shall be ordered by the Health Officer to proceed to Quarantine, there to report herself to the Quarantine Physician.

Public Vaccination.

XLVI. In order to prevent the spread of small-pox, and to diffuse the benefits of vaccination, it is hereby ordained:

Vaccination
to be free.

(1.) That there shall be provided a suitable apartment for the medical officer of the Board, at which place he shall attend at such times as the Board may direct; and he shall vaccinate, without charge, any inhabitant of this town, not previously vaccinated, who may apply for that purpose. And he shall give certificates of said vaccination, without which no child shall be admitted to the public schools. And he shall also always have on hand, as far as practicable, a sufficient quantity of vaccine lymph to supply the physicians of the public institutions.

Children
not admit-
ted to
school
without.

(2.) The Board of Health is hereby authorized, empowered, and enjoined, by itself or its duly authorized agents, to do any or all of the following things; that is to say:—

a. To make diligent inquiry in the month

Annual in-
spection.

of January of each year to ascertain if the inhabitants have fully complied with the provisions of this section as hereinafter cited. In case of an epidemic existing or impending, this inspection shall be made forthwith.

Notice to
parents and
others.

b. To notify, or cause to be notified, by a separate written or printed notice, the parents or guardians of all children who are not less than three months old, and all other persons who have never been vaccinated or had small-pox, to be vaccinated forthwith.

Re-vacci-
nation.

c. To direct, if they shall deem it expedient, all persons who have not been more than once vaccinated, or who have not had small-pox or cow-pox more than once, or who have not had either of those diseases within a period of less than five years, to be re-vaccinated. In case of an epidemic, the Board *shall* so order and direct.

Compulso-
ry meas-
ures.

(3.) In case the party or parties regularly notified as required in the preceding section shall neglect or refuse to obey the orders or directions of the Board or its agents, for a period of forty-eight hours or more, the Board may, and, in case of an epidemic existing or impending, *shall* proceed, by means of competent medical

men, or well-instructed and discreet students of medicine, to vaccinate them; or, if this is resisted or unreasonably refused, to separate them from others (whom they might expose to danger by their own neglect); or, to declare the house or tenement in which they reside, A HOSPITAL, and forbid all communication with its inhabitants, except under the surveillance of the Board or its officers.

- (4.) The Board shall have the power, in cases Removals of sick, &c. where there are large numbers of persons sick of small-pox in common lodging-houses, tenement-houses, or boarding-houses, or where a single case occurs in such houses, and especially in cases of over-crowding with tenants, to remove the sick to a suitable hospital; or to vacate the house of its other tenants, and cause it to be thoroughly cleansed and purified. And the tenants shall not be permitted to remove their clothing, carpets, bedding, &c., until they have been inspected or cleansed.

- (5.) The expenses of the alternative proceedings authorized in the second and third sections shall be chargeable to the owners or occupants of the premises; Free in certain cases. *provided* that vaccination shall be free to all to whom the payment of a fee would be

a hardship, and who do not resist the orders of the Board.

Right of entry. (6.) The Board of Health is authorized, by itself or its agents, to enter any house or other tenement, for the purposes of this section, between the hours of 7 A.M. and sunset; and, for the purposes of removal of bodies dead of small-pox, or of cleansing or purifying the premises from which they are taken, or the sick have been removed, between the hours of sunrise and midnight. But the agents of the Board shall in all cases first apprise the tenants of the objects of their visit.

Public Baths.

Good and cheap baths for the people.

XLVII. The Board of Health shall, by license of suitable persons or otherwise, provide sufficient, decent, and cheap, bathing-places and accommodations for the people; and shall make all needful rules and regulations for their government.

Interment of the Dead.

Provision to be made for the interment of the dead.

XLVIII. The Board of Health, with the consent of the councils, shall, from time to time, provide, in such places, as, having regard to the public health, may appear to them expedient, and within or without the limits of the district, burial-grounds of sufficient extent for the decent

interment of the bodies of all persons dying within the district ; and it shall be lawful for the said Board, in case it appears to them necessary or expedient so to do, to enlarge any burial-ground provided by them under this Ordinance, Board may purchase burial-grounds. and to make any road to such ground, or to enlarge or improve any existing road for facilitating the approach to such burial-ground ; and for providing any such burial-ground, or improving it, they may purchase any lands which it may appear to them expedient to purchase for that purpose.

XLIX. They may enclose and lay out the burial-grounds thus provided, and build therein suitable chapels for the performance of the burial service, and such other buildings and works as may appear to them fitting and proper. And may lay out and enclose them for that purpose.

L. When the said Board shall be of opinion that interment (otherwise than in the burial-grounds provided in this Ordinance) should be discontinued wholly, or subject to any exception or exceptions, in any part or parts of the town, they shall, after due notice, order their discontinuance ; and the grounds so discontinued shall May discontinue old burial-places. be closed or fenced up in such a manner as to protect the public health, and secure proper respect to the bodies interred therein. And this section shall also be considered as applying to vaults under churches and chapels, as well as to the open burial-grounds.

Burials prohibited except under certain circumstances.

II. No burial shall take place, or be permitted in any of the so-closed grounds, or under or in any churches or chapels to which this order shall have been applied, except in the cases following; that is to say,—

- (1.) In case of long previously existing private rights of sepulture, the Board may, in their discretion, give a license, under such restrictions as may seem to them proper.
- (2.) Or if, on representations properly made to them, they may deem the permission, if granted in exceptional cases, not prejudicial to the public health.

Compensation must be made to proprietors of burial rights.

LII. But any and all persons who may have, by any such discontinuance or closure of any burial-ground, as provided for in Section L., been deprived of any rights of sepulture, shall have in the newly consecrated ground the same rights as they respectively would have had in the burial-places thus closed and discontinued; or they shall be otherwise equitably compensated therefor.

Relatives may remove bodies by permission.

LIII. The relatives of any deceased person, with the consent of the Registrar, or other person having charge of the closed ground in which the body of the deceased has been interred, and subject to the regulations of the Board, may cause such body to be removed to and re-interred in any burial-ground provided under this Ordinance.

LIV. The Board, from time to time, may make regulations as to the depth and formation of the graves and places of interment, the nature of the coffins to be received in the burial-grounds thus provided, the time and mode of removing bodies, and, generally, as to all matters connected with the good order of such burial-grounds, and as to the conduct of funeral processions, and the convenient exercise of the rights of interment therein; and such regulations shall be printed and published, and shall be fixed and continued on some conspicuous part of every such burial-ground.

Board to regulate depth of graves, &c.

Funeral ceremonies.

LV. All burials shall be registered in books to be kept for the purpose, in the manner directed, and by the officer whose duty it shall be made by the Board of Health.

All burials to be registered.

LVI. No burial shall take place, except upon the written permit of the Registrar or Coroner, who, before issuing said permit, shall require to be furnished with the name, sex, age, rank, profession, or occupation, and the residence, at the time of death, of said person; nor shall such permit be then issued, except the cause of the death of said deceased person shall be fully certified to the Registrar or other permitting officer by some regularly licensed or competent physician or surgeon.

No burial without a permit from the registrar.

No permit to be issued without a physician's certificate of the cause of death.

LVII. The Board may, at any time after the passage of this Ordinance, build, or otherwise

Houses of reception.

provide, in suitable and convenient locations, houses for the reception and care of the bodies of the dead, previously to and until interment, and make arrangements for the reception and care of such bodies therein, and appoint fit officers for such houses of reception; and they may also appoint or provide medical or other officers, who, in cases where the friends of the deceased so desire, may cause the body of the deceased to be decently removed to one of the houses of reception provided for under this section.

LVIII. "Wakes" shall not be permitted, without the special leave, in writing, of the Board, or of its authorized agent; nor then, if the death has been occasioned by any malignant or epidemic disease; or if from any cause the health of those who would be there present, or of others with whom they would be in contact, would be thereby endangered.

Funeral charges to be regulated by the Board.

LIX. The Board may, from time to time, fix, according to a just and regular scale of charges, the rates in classes, varying according to circumstances, of prices for the conduct of funerals; but so that, in respect of the lowest of such classes, the funeral may be conducted with decency and solemnity.

General Provisions.

Officers to be elected to execute this Sanitary Code.

LX. There shall be elected or appointed annually, or at such times as shall be determined

by the town councils, for the purposes of this Ordinance, the following officers, who shall receive such compensation, and perform such specific duties, as shall from time to time be determined; that is to say, —

- (1.) A Registrar, who shall be a doctor of medicine, whose duty it shall be to record the births, deaths, and marriages, and to regulate all funerals, and the proceedings thereunto appurtenant. Registrar.
- (2.) A Medical Health Officer, who shall be the principal physician-in-ordinary to the Board of Health, who shall superintend, under the direction of the Board of Health, all the sanitary measures ordered by the Board; and who shall advise them generally as to all matter relating to the public health. Medical Health Officer or City Physician.
- (3.) A Board of Consulting Physicians, who shall be elected annually, and whose duty it shall be, in case of an alarm of any contagious or other dangerous disease occurring in the district, to give the Board of Health all such professional advice and information as they may request, with a view to the prevention of such disease, and at all convenient times, when requested, to aid and assist them with their counsel and advice in all matters that re- Board of Consulting Physicians.

late to the preservation of the health of the inhabitants.

Surveyor. (4.) An Engineer, or Surveyor, whose duty it shall be to furnish all plans required for the use of the Board, to advise in relation to the construction and grade of the streets, the structure of the drains, the water-supply, and, generally, with regard to all plans for improving the surface and substratum of the district.

Various superintendents. (5.) Superintendents of Streets, of Health (or Cleaning), of Drains, and of Burials, whose duty it shall be to supervise and direct and execute the details of the various departments to which they shall be assigned, under the direction of the Board, of the Health Officer, or of such other persons as the Board of Health may direct.

(6.) Such other officers as the councils may from time to time determine.

Penalties for violating provisions of this Code.

LXI. Any person who shall violate the provisions of this Ordinance, or any of them; or who shall obstruct the Board, or any of its authorized agents, in the performance of their lawful duties; or who shall do any act or acts by which the public health is endangered, — shall be fined therefor not less than dollars, nor more than dollars for each and every offence; and he shall be subjected to such other penalty as the

Board of Health, with the approval of the councils, may fix and determine, and which are not repugnant to the constitution and laws of the State, or in violation of the regulations of the General Board of Health.

LXII. If any person feel aggrieved by any order of the Board of Health, or by the orders or acts of any of its accredited officers or agents, he shall always have the right of appeal to the Board of Health; or, if he so elect, he may prosecute such appeal in the courts of law, in accordance with the Bill of Rights, as in such cases made and provided; but no such appeal shall be entertained by the Board of Health, unless said appeal is made within four months next after making such order of the doing of such act, nor unless ten days' notice, in writing, is given to the party against whom the appeal is brought, stating the nature and grounds thereof; nor then, unless the appellant enter into sureties duly to abide the decision of the Board, or to prosecute his appeal in the proper court.

Every person has a right to appeal to Board of Health or to courts of law.

LXIII. All Ordinances and parts of Ordinances heretofore passed, inconsistent with this Ordinance, are hereby repealed.

Repealing section.

APPENDIX A.

FORM OF RETURN.

The Health Officer, or Inspector, after ascertaining the condition of his district, shall make his report in the following manner, viz.: —

“ Health Officer, A. B. , District , reports the condition of premises No. , Street, to be as follows: —

1. PREVALENT SICKNESS.

(Under this head state what the disease is, and how many are affected.)

2. OVERCROWDING.

(State in figures the number of persons occupying the rooms or houses in *badly situated localities*.)

3. VENTILATION.

(State if there is any, and, if so, whether it is by doors, windows, or fireplaces; especially *when the apartments are closed at night*.)

4. DRAINAGE.

(State simply if there is *any*, and whether it is “good” or “bad.”)

5. FILTH AND RUBBISH.

(State the kind, quantity (by estimate), and its specific locality.)

6. WATER SUPPLY.

(State if there is a supply of water for *cooking, washing or bathing*, and of *what kind*.)

7. DEAD BODIES IN SINGLE LIVING ROOMS.

(State the cause of death, and the general condition of the apartment and its inhabitants.)

He shall also make a record, in a book to be furnished him for that purpose, of the same facts in tabular form.

APPENDIX B.

FORM OF NOTICE TO ABATE NUISANCES.

(To be served by any Officer competent to serve a civil process.)

CITY OF
OFFICE OF BOARD OF HEALTH, 18

To No. St.

SIR, — Your premises having been examined, and ascertained to be in a condition which is, in my opinion, prejudicial to the public health, by reason of you are hereby required, in conformity with the provisions of an Order of the Board of Health, passed to within hours.

Health Officer.

Approved.

Chairman Committee of Board of Health.

EXTRACT FROM THE ORDER.

“Ordered, That the Medical Health Officer, with the concurrence of the Committee of the Board, be and he is hereby authorized to take such measures in regard to causes or occasions of danger to the public health of the city, as he may deem necessary and proper for its preservation.”